

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claim 1 was pending in this application when last examined and stands rejected.

Support for the amendment to claim 1 can be found in the disclosure, for example, at page 5, lines 9-21 and in figures 1-3.

No new matter has been added.

II. ANTICIPATION REJECTION

On page 2 of the Office Action, claim 1 was again rejected under 35 U.S.C. § 102(b) as anticipated by Medina et al. Applicants respectfully traverse this rejection as applied to the amended claim.

Amended claim 1 is directed to a method for evaluating the biological activity of a specific binding substance on living cells by means of a surface plasmon resonance analyzer, which comprises: (1) immobilizing the cells on a surface plasmon resonance analyzer; (2) applying a flow of the specific binding substance; (3) continuously measuring a primary signal which appears upon application of the flow, and measuring a secondary signal after elimination of the flow; and (4) evaluating the biological activity of the specific binding substances on the cells with an indication of the secondary signal, which comprises a further increase or periodical change from the signal level measured at the end of the primary signal.

It is respectfully submitted that Medina et al. fail to disclose or suggest step (4) for evaluating the biological activity of the specific binding substances on the cells with an indication of the secondary signal, which comprises a further increase or periodical change from the signal level measured at the end of the primary signal.

In particular, the Office states, "Looking at Figure 2 of Medina et al., the secondary signals are all higher than the primary signal baseline measured at the start of injection" (page 2,

lines 4-2 from the bottom).

In the claimed invention, as defined in amended claim 1, the primary signal appears upon application of the flow of the substance, and the secondary signal appears after elimination of the flow. It is clear from the figures in the disclosure that the secondary signal further increases or periodically changes from the level at the elimination of the flow.

On the other hand, looking at Figure 2 of Medina et al., the secondary signals are higher than the signal level at the start of the injection (i.e., signal level at the start of the primary signal), but the secondary signals, as defined in amended claim 1, decreases from the signal levels at the end of the primary signal.

In other words, looking at Figure 2 of the cited reference, the secondary signal corresponds to the region of the graph after the end of injection. Further, as defined in claim 1, the end of the primary signal is at the end of injection. Thus, the cited reference fails to teach or suggest further increased or periodically changing levels of signal after the elimination of flow. Thus, this reference fails to teach each and every element of the claimed invention.

Therefore, Applicants submit this rejection, as applied to the amended claim, is untenable and should be withdrawn.

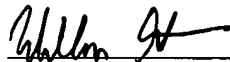
III. CONCLUSION

In view of the foregoing amendments and remarks, the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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